

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

LAWRENCE MILLER,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00656

JEFF SANDY, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On May 27, 2020, the Plaintiff, proceeding *pro se*, filed a Complaint (Document 1-1) in the Circuit Court of Kanawha County alleging a violation of his constitution rights. The matter was removed to this Court on October 6, 2020. On October 13, 2020, Defendant's Motion to Dismiss (Document 3) was filed.


By Administrative Order (Document 2) entered on October 8, 2020, the matter was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On May 27, 2021, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 17) wherein it is recommended that this Court grant the Defendant's Motion to Dismiss (Document 3) and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by June 14, 2021.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Defendant's Motion to Dismiss (Document 3) be **GRANTED**, that the Plaintiff's Complaint (Document 1-1) be **DISMISSED**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: June 22, 2021


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA